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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/603,935	06/27/2000	Thomas P. Kicher	KICHP0102USA	4504

7590 04/07/2004
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EXAMINER

PATEL, HARSHAD R

ART UNIT	PAPER NUMBER
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2855

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/603,935

Applicant(s)

KICHER ET AL.

Examiner

Harshad Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-73 is/are pending in the application.
- 4a) Of the above claim(s) 3,7-10,13-18,24,26-29,39-42,46,51 and 54-73 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6,11,12,19-23,25,30-38,43-45,47-50,52 and 53 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/27/00; 11/8/00</u> . | 6) <input type="checkbox"/> Other: ____ |

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Election/Restrictions

1. Claims 3, 7-10, 13-18, 24, 26-29, 39-42, 46, 51, and 54-73 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper dated 12/8/03.

Claim Objections

2. Claim 11 is objected to because of the following informalities: it is confusing as to the phrase as claimed in the instant claim as to what is the another side, and the opposite the one side. Appropriate correction is required.

3. Claim 30 is objected to because of the following informalities: The phrase “a second end portions” is incorrect. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 4, 11, 34, 36-38, 43, 44, and 47-49 are rejected under 35 U.S.C. 102(b) as being anticipated by Kantor (4,546,649).

Kantor teaches a pressure transducer comprising a sensing tube, and at least one strain gauge on the sensing tube for measuring the deformation of the sensing tube.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5, 6, 12, 19-23, 25, 30-33, 35, 45, 50, 52 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kantor in view of Gysling et al. (6,354,147) (hereinafter Gysling).

Kantor teaches all the features of the instant invention except for the housing structure encircling the tube. Gysling teaches a housing structure (410) encircling the tube in order to protect the sensors. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to since it is very well known that a housing would provide safety to the electronics or other components. As to providing the structure such as pipe flange would be obvious since such would be required and an inherent feature where it would be necessary to connect the portion of the measuring section to the other pipe segments. As to the structure of the sensing pipe to have thicker walls at the end than the central portion would be an inherent feature since it would be obvious to a skilled individual when using strain sensor on the surface to measure strain to have thinner surfaces for sensitivity. As to the positioning of the strain gages to measure axial and circumferential strain it would have been obvious in view of Kantor where multiple strain gages are provide around the circumference of the tube and along the axial direction such that axial and circumferential strain measurements are performed.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harshad Patel whose telephone number is (571) 272-2187. The examiner can normally be reached on Monday-Thursday (7:00 AM-5:30 PM).

A handwritten signature in black ink, appearing to read 'Harshad Patel', with a stylized, cursive script.

Harshad Patel
Primary Examiner
Art Unit 2855

hp
April 1, 2004